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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/527,487	09/19/2005	Andrew Willers	CASM-1-24899	7164
26389 7590 06/25/2007 CHRISTENSEN, O'CONNOR, JOHNSON, KINDNESS, PLLC 1420 FIFTH AVENUE SUITE 2800 SEATTLE, WA 98101-2347			EXAMINER LEYSON, JOSEPH S	
			ART UNIT 1722	PAPER NUMBER
			MAIL DATE 06/25/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	Application No. 10/527,487	Applicant(s) WILLERS ET AL.	
	Examiner Joseph Leyson	Art Unit 1722	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 19 September 2005.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☒ Claim(s) 2 and 9-11 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>9/19/2005</u> . | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Claim Objections***

1. Claims 9-11 are objected to under 37 CFR 1.75(c) as being in improper form because a multiple dependent claim cannot depend from another multiple dependent claim. See MPEP § 608.01(n).
2. Claim 2 is objected to because of the following informalities: in line 2 of claim 2, --the-- should be inserted after "and" for antecedent basis clarity. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1, 8 and 9 are rejected under 35 U.S.C. 102(b) as being anticipated by DE 297 19 428.

DE 297 19 428 (figs. 1 and 2) teaches a nozzle for a sealant cartridge, the nozzle having a threaded inlet end portion 2 for attachment to an outlet of a sealant cartridge and a body portion that extends away from the inlet end portion, the body portion having a cavity 4 which tapers inwardly from the inlet end portion towards a nozzle outlet, the cavity being characterized in that the cross-sectional profile of the nozzle outlet of the body portion is triangular shaped so as to produce a correspondingly shaped bead.

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5. Claims 1, 7, 9 are rejected under 35 U.S.C. 102(b) as being anticipated by Benedict et al. (US 5,588,560).

Benedict et al. (US 5,588,560) teaches a nozzle 16 (i.e., figs. 1-4) for a sealant cartridge, the nozzle 16 having a threaded inlet end portion (i.e., col. 2, line 66, to col. 3, line 4) for attachment to an outlet of a sealant cartridge and a body portion that extends away from the inlet end portion, the body portion having a cavity (i.e., defined by surface 23) which tapers inwardly from the inlet end portion towards a nozzle outlet, the cavity being characterized in that the cross-sectional profile of the nozzle outlet of the body portion is arcuate shaped so as to produce a correspondingly shaped bead. The nozzle outlet shape is arcuate with one side comprising a parabolic, elliptical or irregular arc and the other side being a straight line (i.e., col. 3, lines 42-50; figs. 1C, 1D and 3). The cavity has a shape corresponding to the shape of the nozzle outlet (i.e., figs. 1C, 1D and 3).

6. Claims 1 and 8-10 are rejected under 35 U.S.C. 102(b) as being anticipated by Reed (US 2,815,895).

Reed (US 2,815,895) teaches a nozzle 36 (i.e., figs. 5 and 6) for a sealant cartridge 10, the nozzle 36 having a threaded inlet end portion (i.e., col. 2, lines 26-30; 69-73; fig. 5) for attachment to an outlet of a sealant cartridge and a body portion that extends away from the inlet end portion, the body portion having a cavity which tapers inwardly from the inlet end portion towards a nozzle outlet 42 (col. 2, lines 64-70), the cavity being characterized in that the cross-sectional profile of the nozzle outlet of the body portion is triangular (i.e., fig. 6) so as to produce a correspondingly shaped bead.

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The cavity has a shape corresponding to the shape of the nozzle outlet (col. 2, lines 64-70; figs. 5 and 6). The nozzle has a shoulder portion 46 intermediate the inlet end portion and body portion (fig. 5), said shoulder portion 46 including ribs to assist a user to grip the nozzle during attachment to and detachment from a cartridge (col. 3, lines 2-3).

***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

9. Claims 1-6, 9-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Edelman (US 4,380,425) in view of Reed (US 2,815,895).

Edelman (US 4,380,425) discloses a nozzle (figs. 1-9) for a sealant cartridge, the nozzle having an inlet end portion for attachment to an outlet of a sealant cartridge 4

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and a body portion that extends away from the inlet end portion, the body portion having a cavity which tapers inwardly from the inlet end portion towards a nozzle outlet 1 (i.e., col. 2, lines 10-36; figs. 1-5), the cavity being characterized in that the cross-sectional profile of the nozzle outlet 1a of the body portion is crescent shaped so as to produce a correspondingly shaped bead. The nozzle outlet shape is a crescent and the crescent shape comprises intersecting parabolic, elliptical, irregular arcs or intersecting circular arcs, wherein the arc shapes have a predetermined ratio of diameters (i.e., col. 2, lines 19-36). As to the ratio being 1:1.2 or the arc having a relatively smaller diameter forms a semi-circle, note that Edelman (US 4,380,425: col. 2, lines 33-36) discloses that the crescent shaped passageway progressively diminishes toward the outlet. Therefore, it could be inherent that the ratio and the semi-circle are reached during the progressive diminishing of the crescent shape, or such a ratio and the semi-circle would have been found in view of the teachings of Edelman (US 4,380,425) to use crescent shapes (i.e., various crescent shapes can include such a ratio and/or the semi-circle). The cavity has a shape corresponding to the shape of the nozzle outlet (i.e., figs. 4 and 5). The cavity has a generally uniform crescent profile, of differing size according to the taper, from the nozzle outlet to at least a mid-point of the body portion away from the nozzle outlet (i.e., figs. 2, 4, 5, 8). However, Edelman (US 4,380,425) does not disclose the inlet end portion being threaded, or a shoulder portion including ribs.

Reed (US 2,815,895) discloses a nozzle as mentioned above.

It would have been obvious to one of ordinary skill in the art, at the time the invention was made, to modify the inlet end portion of Edelman (US 4,380,425) to be

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threaded or to modify the nozzle of Edelman (US 4,380,425) with a shoulder portion intermediate the inlet end portion and body portion, the shoulder portion including ribs to assist a user to grip the nozzle during attachment to and detachment from a cartridge because such modifications are well known and conventional in the art, as disclosed by Reed (US 2,815,895) and would enable the nozzle of Edelman (US 4,380,425) to be removably attached to the cartridge.

### ***Conclusion***

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Selley (US 760,027), Hassler (US 1,126,996), Longo (US 4,872,778) and Esber et al. (US 6,076,712) are cited as of interest to show the state of the art.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph Leyson whose telephone number is (571) 272-5061. The examiner can normally be reached on M-F 9AM-5:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gupta Yogendra can be reached on (571) 272-1316. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
JL

  
ROBERT DAVIS  
PRIMARY EXAMINER  
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6/21/07